Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1 (Currently amended). A method for selecting at least one of audio and video comprising:

    (a)   receiving user attribute information corresponding to user preferences wherein said user attribute information includes preferences;

    (b)   receiving program attribute information corresponding to said at least one of said audio and video, where said program attribute information corresponds with said user preferences, where at least one of said user attribute information and said program attribute information includes hierarchical levels; ~~and~~

    (c)   determining the desirability of said at least one of said audio and video based upon said preferences, wherein said preferences selectively include data indicative of at least a first, a second, and a third option;

        (i)   said first option including a preference indicative of the <u>positive</u> desirability of said at least one of audio and video;

        (ii)   said second option including a preference indicative of non-desirability of said at least one of audio and video;

        (iii)   said third option including a preference indicative of indifference desirability<u>, being neither said positive or non-desirability,</u> of said at least one of audio and video[[.]]<u>;</u>

    <u>(d)</u>   <u>wherein said desirability is increased based upon said first option, said desirability is decreased based upon said second option, and said desirability remains the same based upon said third option.</u>

2 (Original). The method of claim 1 wherein said first option is a non-binary preference value.

3 (Original). The method of claim 1 wherein said second option is a non-binary preference value.

4 (Original). The method of claim 1 wherein said first option is positive preference value.

5 (Original). The method of claim 1 wherein said second option is a negative preference value.

6 (Original). The method of claim 1 wherein said preferences are adjustable by a user.

7 (Original). The method of claim 1 wherein said preferences include at least one default value.

8 (Original). The method of claim 7 wherein said preferences are adjustable by a user.

9 (Original). The method of claim 1 wherein said determining results in a value.

10 (Currently amended). A method for selecting at least one of audio and video comprising:

 (a) receiving user attribute information corresponding to user preferences wherein said user attribute information includes <u>a plurality of</u> preferences;

 (b) receiving <u>a</u> first <u>plurality of</u> program attribute information corresponding to said at least one of said audio and video, where said <u>plurality of said</u> first program attribute information corresponds with said user preferences, where at least one of said <u>plurality of said</u> user attribute information and said <u>plurality of said</u> first program attribute information includes hierarchical levels <u>so that data at a second level is included with data at a first level</u>;

 (c) receiving <u>a</u> second <u>plurality of</u> program attribute information corresponding to said at least one of said audio and video, where said <u>plurality of said</u> second program attribute information corresponds with said user preferences, where at least one of said user attribute information and said <u>plurality of said</u> second program attribute information includes hierarchical levels <u>so that data at a second level is included with data at a first level</u>; and

 ~~(e)~~ <u>(d)</u> determining the desirability of said at least one of said audio and video based upon a relative ranking between said first program attribute information and said second program attribute information.

11 (Original). The method of claim 10 wherein said determining the desirability includes:

 (a) calculating a first ranking value for said first program attribute information;

 (b) calculating a second ranking value for said second program attribute information; and

(c)   determining said relative ranking based upon said first ranking value and said second ranking value.

12 (Canceled).

13 (Original). The method of claim 10 wherein said determining the desirability includes and operation where,

(a)   said first program attribute information includes a first attribute and free from a second attribute;

(b)   said second program attribute information includes said first attribute and said second attribute; and

(c)   said determining said relative ranking indicates said second program as more desirable than said first program.

14 (Original). The method of claim 10 wherein said determining the desirability includes and operation where,

(a)   said first program attribute information includes a first attribute and free from a second attribute;

(b)   said second program attribute information includes said first attribute and a relatively smaller presence of said second attribute in comparison to said first attribute; and

(c)   said determining said relative ranking indicates said second program as more desirable than said first program.

15 (Original). The method of claim 10 wherein said determining the desirability includes and operation where,

    (a)   said first program attribute information includes a first attribute and a second attribute, where said second attribute has a first relatively smaller presence than said first attribute in said first program;

    (b)   said second program attribute information includes said first attribute and said second attribute, where said second attribute has a second relatively smaller presence than said first attribute in said second program, where said first relatively smaller presence is smaller than said second relatively smaller presence; and

    (c)   said determining said relative ranking indicates said second program as more desirable than said first program.

16 (Canceled).

17 (Currently amended). A method for selecting at least one of audio and video comprising:

    (a)   receiving user attribute information corresponding to user preferences, wherein said user attribute information includes hierarchical levels <u>so that data at a second level is included with data at a first level</u>, wherein at least a portion of said user attribute information include preference elements characterized by a set selected from at least the following:

        (i)   a neutral preference indicating indifference to said preference element;

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    (ii)   a nominal preference indicating at least one of desire for and disdain of said preference element;

    (iii)   a maximum preference indicating said preference element is to be selected;

    (iv)   a minimum preference indicating said preference element is not to be selected;

(b)   receiving program attribute information corresponding to said at least one of audio and video; and

(c)   selecting, in response to receiving said user attribute information and said program attribute information, at least one of said audio and video based upon said preference elements.

18 (Previously presented). The method of claim 17 further comprising said user attribute information including preference elements characterized by at least one additional preference.

19 (Currently amended). A method for selecting at least one of audio and video comprising:

(a)   receiving user attribute information corresponding to a plurality of user preferences, wherein said user attribute information includes hierarchical levels so that data at a third level is included with data at a second level which is included with data at a first level;

(b)   receiving program attribute information corresponding to said at least one of a first audio and first video;

(c)   receiving program attribute information corresponding to said at least one of a second audio and second video; and

(d)   ranking said at least one of said first audio and first video, and, said at least one of said second audio and second video, in response to receiving said user attribute information <u>in said hierarchical levels</u> and said program attribute information for said at least one of said first audio and first video, and, said at least one of said second audio and second video, based upon less than all of said <u>first, second and third</u> hierarchical levels.

20 (Previously presented). The method of claim 19 wherein said ranking determines said first video as more desirable for said user than said second video.

21 (Previously presented). The method of claim 20 wherein said raking determines said second video as more desirable for another user than said first video.

22 (Previously presented). The method of claim 19 wherein said less than all of said hierarchical levels includes a single branch.

23 (Previously presented). The method of claim 19 wherein said less than all of said hierarchical levels includes a plurality of branches.

24 (Previously presented). The method of claim 19 wherein said less than all of said hierarchical levels are ranked based upon a relativistic manner.

25 (Currently amended). A method for selecting at least one of audio and video comprising:

    (a)   receiving user attribute information corresponding to user preferences, wherein said user attribute information includes a plurality of preference values;

    (b)   receiving program attribute information corresponding to said at least one of an audio and a video, so that said hierarchical levels include data at a second level included with data at a first level; and

    (c)   evaluating said user attribute information and said program attribute information by determining:

        (i)   a first score when a portion of said user attribute information matches a portion of said program attribute information and said first score is based at least in part upon one of said preference values;

        (ii)   a second score when another portion of said user attribute information matches another portion of said program attribute information and said second score is based at least in part upon one of said preference values;

        (iii)   a composite score based, at least in part, upon said first score and said second score.

26 (Previously presented). The method of claim 25 wherein said evaluating is free from combining multiple preference values into a single composite preference value.

27 (Currently amended). The method of claim 25 wherein a said composite score is ~~determinated~~ determined for a plurality of said videos, and said video are ranked based, at least in part, upon said composite scores.

28 (Currently amended). The method of claim 25 wherein said composite score is determined free from comparing said first score and said second score.

29 (Currently amended). A method for selecting at least one of audio and video comprising:

(a)   receiving user attribute information corresponding to user preferences, wherein said user attribute information includes a plurality of preferences that are arranged ~~in a~~ with hierarchy levels to form a preference template where a plurality of said preferences includes a preference test and a preference value, so that said hierarchical levels include data at a second level included with data at a first level;

(b)   receiving program attribute information corresponding to said at least one of an audio and a video; and

(c)   evaluating said user attribute information and said program attribute information by determining:

(i)   a first score when a portion of said user attribute information matches a portion of said program attribute information and said first score is weighted based upon the respective said preference values;

(ii)   a second score when another portion of said user attribute information matches another portion of said program attribute

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information and said second score is weighed based upon the
respective said preference values;

(iii)   a composite score based, at least in part, upon said first score and
said second score;

(iv)   repeating steps (i)-(iii) for a plurality of said program attribute
~~informations~~ information;

(v)   sorting at least one of said audio and video associated with said
programs attribute informations.

30 (Previously presented).   The method of claim 29 wherein said evaluating is free
from combining multiple preference values into a single composite preference value.

31 (Currently amended).   The method of claim 29 wherein a said composite score is
~~determinated~~ determined for a plurality of said videos, and said video are ranked based, at
least in part, upon said composite scores.

32 (Currently amended).   The method of claim 29 wherein said composite score is
~~determinated~~ determined free from comparing said first score and said second score

33 (Currently amended).   A method for selecting at least one of audio and video
comprising:

(a)   receiving user attribute information corresponding to a plurality of user
preferences, wherein said user attribute information includes hierarchical
levels so that data at a third level is included with data at a second level
which is included with data at a first level;

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(b)   receiving program attribute information corresponding to said at least one of a first audio and first video;

(c)   receiving program attribute information corresponding to said at least one of a second audio and second video; and

(d)   comparing in a relativistic manner said at least one of said first audio and first video, and, said at least one of said second audio and second video, in response to receiving said user attribute information in said hierarchical levels and said program attribute information for said at least one of said first audio and first video, and, said at least one of said second audio and second video, based upon less than all of said first, second and third hierarchical levels.

34 (Previously presented). The method of claim 33 wherein said comparing determines said first video as more desirable for said user than said second video.

35 (Previously presented). The method of claim 34 wherein said comparing determines said second video as more desirable for another user than said first video.

36 (Previously presented). The method of claim 33 wherein said less than all of said hierarchical levels includes a single branch.

37 (Previously presented). The method of claim 33 wherein said less than all of said hierarchical levels includes a plurality of branches.

38 (Previously presented). The method of claim 33 wherein said less than all of said hierarchical levels are ranked based upon a relativistic manner.

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39 (Currently amended). A method for selecting at least one of audio and video comprising:

(a)   receiving user attribute information corresponding to user preferences, wherein said user attribute information includes <u>a plurality of</u> preferences, <u>wherein said user information includes hierarchical levels so that data at a second level is included with data at a first level</u>;

(b)   receiving program attribute information corresponding to said at least one of an audio and video;

(c)   ranking said at least one of said audio and video, in response to receiving said user attribute information and said program attribute information for said at least one of said audio and video, based upon at least one of the following characteristics:

    (i)   the number of times that one of said preferences corresponds with said program attribute information, wherein said at least one of said audio and video receives a higher ranking with an increasing said number;

    (ii)   the number of times that a preselected set of preferences, less than all of said preferences, corresponds with said program attribute information, wherein said at least one of said audio and video receives a higher ranking with an increasing said number;

    (iii)   the number of times that one of said preferences corresponds with said program attribute information, wherein said at least one of said audio and video receives a higher ranking with a decreasing said number;

(iv)   the number of times that a preselected set of preferences, less than

all of said preferences, corresponds with said program attribute

information, wherein said at least one of said audio and video

receives a higher ranking with a decreasing said number[[;]].

40 (Previously presented). The method of claim 39 wherein said characteristic includes said the number of times that a preselected set of preferences, less than all of said preferences, corresponds with said program attribute information, wherein said at least one of said audio and video receives a higher ranking with an increasing said number, further characterized by:

(a)   said preselected set of preferences includes a first preference and a second preference, wherein said ranking is based upon an or functionality between said first preference and said second preference.

41 (Previously presented). The method of claim 40 wherein said program attribute information includes preference values indicating the amount of said preferences.

42 (Previously presented). The method of claim 41 wherein said preference values are used as the basis of said ranking said at least one of audio and video.

43 (Previously presented). The method of claim 42 wherein said ranking includes a just slightly more is better combination.

44 (Previously presented). The method of claim 42 wherein said ranking includes a strong preference is better combination.

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45 (Currently amended). The method of claim 40 wherein said characteristic includes said the number of times that a preselected set of preferences, less than all of said preferences, corresponds with said program attribute information, wherein said at least one of said audio and video receives a higher ranking with an increasing said number, ~~further characterized by:~~

> ~~the number of times that a preselected set of preferences, less than all of said preferences, corresponds with said program attribute information, wherein said at least one of said audio and video receives a higher ranking with an increasing said number~~ .

46 (Previously presented). The method of claim 45 wherein said program attribute information includes preference values indicating the amount of said preferences.

47 (Previously presented). The method of claim 46 wherein said preference values are used as the basis of said ranking said at least one of audio and video.

48 (Previously presented). The method of claim 47 wherein said ranking includes a just slightly more is better combination.

49 (Previously presented). The method of claim 47 wherein said ranking includes a strong preference is better combination.

50 (Currently amended). A method for selecting at least one of audio and video comprising:

    (a)   receiving user attribute information corresponding to user preferences, wherein said preferences include negative preferences;

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(b)   receiving program attribute information corresponding to said at least one of a first audio and first video;

(c)   receiving program attribute information corresponding to said at least one of a second audio and second video; and

(d)   ranking said at least one of said first audio and first video, and, said at least one of said second audio and second video, in response to receiving said user attribute information and said program attribute information for said at least one of said first audio and first video, and, said at least one of said second audio and second video, at least in part, upon said negative preferences, wherein said negative preference results in decreasing said ranking to a lower level than would have resulted had said negative preference not been included.

51 (Previously presented). The method of claim 50 wherein said ranking determines said first video as more desirable for said user than said second video.

52 (Currently amended). The method of claim 51 wherein said ~~raking~~ ranking determines said second video as more desirable for another user than said first video.

53 (Previously presented). The method of claim 50 wherein said ranking is in a relativistic manner.

54-56 (Canceled).

57 (Currently amended). A method for selecting at least one of audio and video comprising:

(a)   receiving user attribute information corresponding to user preferences, wherein said user attribute information includes <u>a plurality of</u> preferences, <u>wherein said user information includes hierarchical levels so that data at a second level is included with data at a first level</u>;

(b)   receiving program attribute information corresponding to said at least one of an audio and video;

(c)   evaluating said user attribute information and said program attribute information by:

(i)   determining a first value based upon, at least in part, a first a portion of said user attribute information matches a portion of said program attribute information, and

(ii)   determining a second value based upon, at least in part, a second portion of said user attribute information matches a portion of said program attribute information;

(d)   discarding said at least one of said audio and video, in response to receiving said user attribute information and said program attribute information for said at least one of said audio and video, as a desirable said at least one of audio and video for said user based upon if at least one of said first value or said second value indicates non-desirability of said at least one of audio and video;

(e)   if said at least one of audio and video is not discarded as a result of step (d) then determining a third value based upon, at least in part, said first value and said second value.

58 (Canceled).

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59 (Previously presented). The method of claim 57 wherein said evaluating is based upon an AND operation.

60 (Currently amended). A method for selecting at least one of audio and video comprising:

(a)   receiving user attribute information corresponding to user preferences, wherein said user attribute information includes hierarchical levels, wherein said user attribute information includes a plurality of preferences, wherein said user information includes said hierarchical levels so that data at a second level is included with data at a first level;

(b)   receiving program attribute information corresponding to said at least one of an audio and a video; and

(c)   evaluating said at least one of said audio and video, in response to receiving said user attribute information and said program attribute information based upon,

(i)   a first set of a plurality of preferences wherein said first set is evaluated based upon a first operator;

(ii)   a second set of a plurality of preferences wherein said second set is evaluated based upon a second operator;

(iii)   wherein said first set and said second set are evaluated independent of the number of preferences of said first set and said second set.

61 (Previously presented). The method of claim 60 wherein at least one of said first operator and said second operator is an "OR" function.

62 (Currently amended). The method of claim 60 wherein said first operator and said second operator ~~or~~ are "OR" functions.

63 (Previously presented). The method of claim 60 wherein said first set and said second set depend from the same preference within said hierarchy.

64 (Previously presented). The method of claim 63 wherein said first set and said second set have a different number of preferences.

65 (Currently amended). A method for selecting at least one of audio and video comprising:

(a) receiving user attribute information corresponding to user preferences, wherein said user attribute information includes hierarchical levels, wherein said user attribute information includes <u>a plurality of</u> preferences, <u>wherein said user information includes said hierarchical levels so that data at a second level is included with data at a first level</u>;

(b) receiving program attribute information corresponding to said at least one of an audio and a video; and

(c) evaluating said at least one of said audio and video, in response to receiving said user attribute information and said program attribute information based upon,

(i) a first set of a plurality of preferences wherein said first set is evaluated based upon a first operator;

(ii) a second set of a plurality of preferences wherein said second set is evaluated based upon a second operator;

(iii)   wherein said first set and said second set are evaluated based on a ratio functionality.

66 (Previously presented). The method of claim 65 wherein at least one of said first operator and said second operator is an "OR" function.

67 (Previously presented). The method of claim 65 wherein said first operator and said second operator or "OR" functions.

68 (Previously presented). The method of claim 65 wherein said first set and said second set depend from the same preference within said hierarchy.

69 (Previously presented). The method of claim 68 wherein said first set and said second set have a different number of preferences.